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Proposed Counsel for Debtor and Debtor-in-Possession,
Leslie Klein

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:) CASE NO.: 2:23-bk-10990-SK
)
)
Leslie Klein,) Chapter 11 (Subchapter V)
)
) **DECLARATION OF PETER GARZA**
) **REGARDING SERVICE OF THE**
Debtor and Debtor-in-Possession.) **ORDER SETTING CONFERENCE ON**
) **STATUS OF SUBCHAPTER V CASE;**
) **ET AL [DOCKET NO. 6]**
)
) Subchapter V Status Conference Date:
)
)
) Date: March 22, 2023
) Time: 9:00 a.m.
) Place: Courtroom 1575
) Roybal Federal Building
) 255 E. Temple Street
) Los Angeles, CA 90012

DECLARATION OF PETER GARZA

I, Peter Garza, declare as follows:

1. I am currently employed by Law Offices of Michael Jay Berger. I am over the age of 18 and not a party to the within action. My business address is 9454 Wilshire Blvd., 6th Floor, Beverly Hills, California 90212. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify to those facts in a court of law.

2. On February 27, 2023, I served by United States mail, the Order Setting Conference on Status of Subchapter V Trustee Case, et al; [Docket no. 6], attached hereto as Exhibit 1 for Leslie Klein on the following parties:

UNITED STATES TRUSTEE:

Ron Maroko
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017-3560

SUBCHAPTER V TRUSTEE:

Mark Scharf
6080 Center Drive, Suite 600
Los Angeles, CA 90045-1540

CREDITORS:

Wilmington Savings Fund Society, FSB, d/b/a
Robertson, Anschutz, Schneid, Crane & Pa
350 10th Avenue, Suite 1000
San Diego, CA 92101-8705

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634

Barclays Bank Delaware
Attn: Bankruptcy
Po Box 8801
Wilmington, DE 19899

CCO Mortgage Corp.
Attn: Bankruptcy
10561 Telegraph Rd
Glen Allen, VA 23059

California Bank & Trust
Po Box 711510
Santee, CA 92072

JPMorgan Chase Bank NA
Bankruptcy Mail Intake Team
Mail Code LA4 5555
700 Kansas Lane, Floor 01
Monroe, LA 71203-4774

Citibank
Attn: Bankruptcy
P.O. Box 790034
St Louis, MO 63179

Ericka and Joseph Vago
c/o Brian Procel
Procel Law
401 Wilshire Blvd., 12th Floor
Santa Monica, CA 90401

Fay Servicing Llc
Po Box 814609
Dallas, TX 75381-4609

Franklin H. Menlo Irrevocable Trust
c/o Willkie Farr & Gallagher LLP
Attn: Alex M. Weingarten, Esq.
2029 Century Park East, Suite 3400
Los Angeles, CA 90067

Jeffrey Siegel, Successor Trustee
of the Hubert Scott Trust
c/o Oldman, Cooley, Sallus
16133 Ventura Blvd., Penthouse Suit
Encino, CA 91436-2408

Leslie Klein & Associates, Inc.
c/o Parker Milliken
555 Flower Street
Los Angeles, CA 90071

Mrc/united Wholesale M
Attn: Bankruptcy
P. O. Box 619098
Dallas, TX 75261

Selene Finance
Attn: Bankruptcy
Po Box 8619
Philadelphia, PA 19101-8619

Shellpoint Mortgage Servicing
Attn: Bankruptcy
Po Box 10826
Greenville, SC 29603-0826

Toyota Financial Services
Attn: Bankruptcy
Po Box 259001
Plano, TX 75025-9001

Leslie Klein
322 N. June Street
Los Angeles, CA 90004-1042

1 Chase Card Services
2 Attn: Bankruptcy
3 P.O. 15298
4 Wilmington, DE 19850

5 Fay Servicing Llc
6 Attn: Bankruptcy Dept
7 Po Box 809441
8 Chicago, IL 60680

9 Chora Young & Manasserian LLP
10 650 Sierra Madre Villa Ave., Suite 304
11 Pasadena, CA 91107

12
13 I declare under penalty of perjury that the foregoing is true and correct. Executed
14
15 this 28th day of February 2023, at Beverly Hills, California.

16
17 By: 
18 Peter Garza
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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

FILED & ENTERED

FEB 24 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY may DEPUTY CLERK

In re:

Leslie Klein

Case No.: 2:23-bk-10990-SK

CHAPTER 11

ORDER:

Debtor(s).

- (1) SETTING CONFERENCE ON STATUS OF SUBCHAPTER V CASE;
- (2) REQUIRING DEBTOR TO APPEAR AT STATUS CONFERENCE AND FILE REPORT ON STATUS OF SUBCHAPTER V CASE, OR FACE POSSIBLE
(A) CONVERSION OF CASE TO CHAPTER 7 OR
(B) DISMISSAL OF CASE;
- (3) REQUIRING SUBCHAPTER V TRUSTEE TO APPEAR AT STATUS CONFERENCE;
- (4) ESTABLISHING PROCEDURE FOR MOTION FOR ORDER CONFIRMING SUBCHAPTER V PLAN; AND,
- (5) SETTING DATE FOR 11 U.S.C. § 1111(b) ELECTION

Subchapter V Status Conference Date

Date: March 22, 2023
Time: 9:00 a.m.
Place: Courtroom 1575
Roybal Federal Building
255 E. Temple Street,
Los Angeles, CA 90012

Subchapter V Status Conference

On February 22, 2023, Leslie Klein (Debtor) filed a voluntary chapter 11 petition and indicated that it is a "debtor as defined in 11 U.S.C. § 1182(1)," its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it "chooses to proceed under Subchapter V of Chapter 11." Docket #1. Under 11 U.S.C. § 1183, a Subchapter V Trustee was or shall be appointed. And, pursuant to 11 U.S.C. § 1188 and to expedite the disposition of the Subchapter V Case, the Court makes the following Order:

I. REQUIRING DEBTOR TO APPEAR AT STATUS CONFERENCE AND TO FILE A STATUS REPORT: CONTENTS, FILING, SERVICE

The Debtor must appear at a status conference on **March 22, 2023, at 9:00 a.m.** (Status Conference).

No later than 14 days before the Status Conference, the Debtor must file a report on the status of this Subchapter V Case (Status Report) which includes a proof of service demonstrating that the Debtor served the Status Report on the United States Trustee, the Subchapter V Trustee, all secured creditors, and the holders of the twenty (20) largest unsecured claims (collectively the Parties). The Status Report must be supported by admissible evidence in the form of declarations and supporting documents and must:

A. Estimate the Time for Filing a Plan and Motion to Confirm the Plan. Provide an estimate of when the Debtor will file: (1) a plan of reorganization (Plan) within the time frame of 11 U.S.C. § 1189; and (2) a motion for order confirming the Plan (Confirmation Motion). Pursuant to 11 U.S.C. § 1189(b), the Debtor may seek an extension of the Plan filing deadline (Deadline) only "if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable." Any request for an extension of the Deadline must be sought by motion filed with the Court and served on the Parties not later than the Deadline and must be supported by a declaration, signed under penalty of perjury, setting forth the circumstances that Debtor contends establish the need for an extension;

B. Disclosure Statement. Pursuant to Bankruptcy Code § 1181(b), unless the Court orders otherwise for cause, the Debtor need not file a separate disclosure statement describing the Plan. Pursuant to Bankruptcy Code § 1190(1), however, in lieu of a disclosure statement, the Plan must contain: (1) a brief history of the business operations of the Debtor; (2) a liquidation analysis; and (3) projections regarding the Debtor's ability to make payments under the Plan. **In addition, the Debtor must include in the Plan such additional information as may be necessary under the circumstances of the Case to permit the Parties to ascertain whether the Plan satisfies all applicable plan confirmation requirements.**

1 **C. Objections to Claims.** State whether a deadline should be set for
2 hearings on objections to claims and, if so, what that deadline should
3 be;

4 **D. Debtor's Duties.** Disclose whether the Debtor has performed all of its
5 duties under FRBP Interim Rule 2015(b) and 11 U.S.C. §§ 521, 1184
6 and 1187; and reasons for non-compliance, if any;

7 **E. Pre-Confirmation Payments.** Disclose whether the Debtor has
8 transmitted preconfirmation payments and funds to the Subchapter V
9 Trustee as is allowed under 11 U.S.C. § 1194;

10 **F. Post-Petition Operations and Litigation.** Describe concisely the
11 post-petition operations of the Debtor (including authority to use cash
12 collateral), litigation in which the Debtor is involved, and the status of
13 the Debtor's efforts to reorganize; and

14 **G. Professionals and Fee Budget.** Disclose whether the Debtor has
15 hired, or shall hire, any professionals and, if so, whether the
16 professional's employment has been approved by the Court.

17 **II. TRUSTEE'S APPEARANCE**

18 Pursuant to 11 U.S.C. § 1183(b), the Subchapter V Trustee must appear at the
19 Status Conference and report on the status of this Subchapter V Case.

20 **III. STATUS CONFERENCE**

21 Pursuant to FRBP Interim Rule 3017.2, during the Status Conference, the Court
22 may: (1) set a deadline for hearings to be held on objections to claims; (2) set a
23 deadline for entry of an order approving the Confirmation Motion; and (3) set a hearing
24 on an order to show cause why this Subchapter V Case should not be converted to a
25 case under chapter 7 or dismissed if these deadlines are not met by the Debtor.

26 If the Debtor does not timely file and serve a Status Report and appear at the Status
27 Conference, then at the Status Conference, the Court may order: (1) the conversion of
28 the Subchapter V Case to one under chapter 7; or (2) the dismissal of the Subchapter V
29 Case pursuant to 11 U.S.C. § 105(a) and 11 U.S.C. § 1112(b).

30 **IV. PLAN CONFIRMATION PROCEDURE**

31 **A. Form of Plan.** All Subchapter V debtors must: (1) use Official Form
32 425A; and (2) request an order confirming the Plan under 11 U.S.C. §
33 1191 by motion.

1 **B. Notice of Dates and Deadlines.** Notice of: (1) the hearing on the
2 Confirmation Motion; (2) the deadline for filing and serving objections
3 to the Confirmation Motion; and (3) the deadline for voting on the Plan,
4 must be filed and served in accordance with F.R.B.P. 2002(b)-(d),
5 (f)(11), (g)-(k), (p) and 3017-3020.

6 **C. Confirmation Motion.** The Confirmation Motion must meet at least
7 the following criteria:

8 **(1) Evidence.** The Confirmation Motion must be supported by
9 evidence establishing that the Plan is confirmable under 11 U.S.C.
10 § 1191; evidence must admissible under the Federal Rules of
11 Evidence and in compliance with LBR 9013-1(c)(3) and 9013-1(i).

12 **(2) Service.** At least 21 days before the confirmation hearing, the
13 Confirmation Motion must be served on the United States Trustee,
14 the Subchapter V Trustee, and all creditors and equity security
15 holders who have filed and served on the Debtor a preliminary
16 objection to confirmation and/or voted to reject the Plan; and

17 **(3) Notice of Hearing.** The Debtor must serve a notice of the
18 confirmation hearing that contains, among other information, notice
19 that any party opposing the Confirmation Motion must file and serve
20 its written opposition at least 14 days before the confirmation
21 hearing date, and the opposition must be supported by admissible
22 evidence.

23 **D. Plan Requirements.** Unless the Debtor has reason to believe that the
24 Plan cannot be confirmed consensually, or the Court has instructed
25 otherwise, the Debtor shall draft the Plan to contain provisions
26 concerning the scope and timing of the discharge, modification of the
27 Plan, the treatment of the Debtor's post-petition earnings and income
28 and the post-confirmation duties of the Subchapter V Trustee as if the
 Plan will be confirmed consensually pursuant to Bankruptcy Code
 §1191(a), but the Debtor must also include in the Plan a separate
 section that explains: (1) how provisions of the Plan will be different if
 the Plan is confirmed nonconsensually under Bankruptcy Code §
 1191(b); and (2) what the Subchapter V Trustee's compensation
 arrangements will be if the Subchapter V Trustee is required to serve
 as the post-confirmation disbursing agent under the Plan.

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V. 11 U.S.C. § 1111(b) Election

The deadline for any secured creditor to elect treatment under 11 U.S.C. § 1111(b) shall be the last date to file objections to the Plan.

IT IS FINALLY ORDERED that failure by the Debtor to comply with any provision of this order may be deemed consent to dismissal of this case or conversion to a case under chapter 7.

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Date: February 24, 2023


Sandra R. Klein
United States Bankruptcy Judge

In re: Leslie Klein	Debtor(s).	CHAPTER: 11 CASE NUMBER: 2:23-bk-10990-SK
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Boulevard, 6th floor
Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF PETER GARZA REGARDING SERVICE OF THE ORDER SETTING CONFERENCE ON STATUS OF SUBCHAPTER V CASE; ET AL [DOCKET NO. 6]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **02/28/23**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Counsel for Debtor: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com

Interested Party: Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com

Counsel for Wilmington Savings Fund Society: Theron S Covey tcovey@raslg.com, sferry@raslg.com

United States Trustee: Ron Maroko ron.maroko@usdoj.gov

SubChapter V Trustee: Mark M Sharf (TR) mark@sharfllaw.com, C188@ecfcbis.com;sharf1000@gmail.com

United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Interested Party: Paul P Young paul@cym.law

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **02/28/23**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra R. Klein
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1582 / Courtroom 1575
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

02/28/23

Yathida Nipha

Date

Printed Name

/s/ Yathida Nipha

Signature